

DETAILED ACTION

- I. Claim 7 has been cancelled.
- II. Claims 1-6 and 8-17 have been examined.
- III. Responses to Applicant's remarks have been given.

Response to Arguments

- 1. The amendments to the Specification that removed the references to hyperlinks give cause for the previous objection to the Specification to be hereby withdrawn.
- 2. Applicant's arguments filed 06/17/11 have been fully considered but they are not persuasive. With regards to the Applicant's argument that "Bender does not disclose or make obvious that the card reading device and the verification devices are housed in the same housing", the Examiner maintains that Bender discloses this, as cited below. On page 5 of the Applicant's Specification, it is stated that the "device can be either accommodated inside the host or be an external unit remote from the host. The digital media reader and the smart card reader may be two independent units or a single integrated unit, i.e., each reader may have its own processor unit"; thus it is interpreted by the Examiner that the card reader, "verification device" and subsequent insertion of a smart card, as disclosed within Bender, provide the claimed "access means located in a single housing" as well as the "authentication means for controlling access".
- 3. Regarding the 35 U.S.C. 103(a) rejection of claim 15, the Applicant argues that "Kisliakov does not disclose or make obvious, alone or in combination with Bender, access means and authentication means both located in the same housing". However, Kisliakov was not cited to address those claim limitations of the independent claim; but

rather was cited for the claim limitation within claim 15 pertaining to "wherein the access means includes a modem capable of retrieving data from a remote network ". Kisliakov discloses said claim limitation, as cited below within Figure 7, element 716, column 11, lines 43-56, "A Modulator-Demodulator (Modem) transceiver device 716 is used by the computer module 702 for communicating to and from the communications network 720, for example connectable via a telephone line 721 or other functional medium".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "the reader" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14, 16 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 7,039,952 to Bender et al., hereinafter Bender.

5. Regarding claim 1, Bender discloses a device for secure access to digital media contents, the device comprising an access means for accessing digital media contents (inter alia, Bender's insertion of a smart card into a card reading device connected to a client computing device – Fig. 4) from a data source, the access means located in a single housing; an authentication means for controlling access to the digital media contents, the authentication means located in the single housing (Bender's "verification device") (Figures 9 and 11, column 2, lines 63-67, column 3, lines 1-7, column 4, lines 47-57, column 5, lines 1-7 and 35-49, "a user presents a biometric form of identification to a verification device connected to the client computing device" and column 7, lines 38-52, "*components of the HID are coupled internally to a bus 912'*"; an internal communication path between the access means and the reader, the internal communication path being not directly accessible from outside the device (Figures 6 and 9, column 5, lines 62-67 and column 6, lines 1-13).
6. Regarding claim 2, Bender discloses wherein the device only has a single electrical interface for connection to a host (column 5, lines 62-67 and column 6, lines 1-6).
7. Regarding claim 3, Bender discloses wherein the single electrical interface represents at least two logical interfaces including a first logical interface being compatible to the digital media and a second logical interface being compatible to authentication data used by the authentication means (column 2, lines 22-34 and 63-67 and column 3, lines 1-7).

8. Regarding claim 4, Bender discloses wherein the single electrical interface is designed according to *one of* the following standards: USB, SCSI, Firewire, PCMCIA, WiFi, Bluetooth, HyperLAN (Figure 9, element 901, column 7, lines 45-58, "Universal serial bus (USB)").
9. Regarding claim 5, Bender discloses wherein the access means and the authentication means share a common processing unit (column 7, lines 66 and 67 and column 8, lines 1-6).
10. Regarding claim 6, Bender discloses wherein the access means and the authentication means use different processing units, the communication path including a communication channel between the processing units (Figure 2, column 4, lines 39-57, column 5, lines 8-30 and 62-67 and column 6, lines 1-13, "smart card further has a communications channel 635 between the processor and an external source 650 such as a host computer, for instance, to receive an APDU from a smart card reader").
11. Regarding claim 8, Bender discloses wherein the authentication means includes a smart card reader capable of accessing a key stored on a smart card (column 6, lines 3-13 and column 9, lines 13-21).
12. Regarding claim 9, Bender discloses means for entering a PIN code and releasing the key after a PIN code match is determined (column 9, lines 13-27).
13. Regarding claim 10, Bender discloses wherein the smart card containing the key is interfaced to the smart card reader through *one of* the following interfaces: ISO 7816, I2C, Contactless Smart Card Interface (column 2, lines 63-67, "ISO-7816" and column 3, lines 1-7).

14. Regarding claim 11, Bender discloses wherein the smart card is embedded inside the authentication means (column 7, lines 45-65).
15. Regarding claim 12, Bender discloses wherein the authentication means includes means for retrieving biometric information from the user (Figure 11, element 1100 and column 5, lines 36-49).
16. Regarding claim 13, Bender discloses wherein the means for retrieving biometric information includes *one of the* following: a fingerprint sensor, an iris recognition device, a face recognition device, a voice recognition device (column 5, lines 36-49, "biometric identification may be a fingerprint, a retinal scan, a voice identification").
17. Regarding claim 14, Bender discloses wherein the data source is *one of the* following: a hard disk, a removable disk, a CD, a DVD, a flash memory embedded inside the device, a removable flash memory (Figure 9, element 905 and column 7, lines 52-58, "flash memory").
18. Regarding claim 16, Bender discloses wherein the single housing is a module that is insertable into and removable from the device (Figures 3 and 4, column 4, lines 59-67, "a user inserts a smart card into a card reader connected to a client computing device" and column 5, lines 1-7 and 21-33).
19. Regarding claim 17, Bender discloses wherein *at least one* of the access means and the authentication means is a system-on-chip (SOC) *or* a single chip system (Figure 10, column 7, lines 66 and 67 and column 8, lines 1-6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
20. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bender as applied to claim 1 above, and further in view of United States Patent No. 7,194,768 to Kisliakov, hereafter Kisliakov.
21. Bender discloses the claimed device for obtaining secure access to digital content, as cited above. However, Bender does not disclose the claimed feature within claim 15 pertaining to "the access means includes a modem capable of retrieving data from a remote network". Kisliakov discloses said feature, as cited below.
22. Regarding claim 15, Kisliakov discloses wherein the access means includes a modem capable of retrieving data from a remote network (Figure 7, element 716, column 11, lines 43-56, "A Modulator-Demodulator (Modem) transceiver device 716 is used by the computer module 702 for communicating to and from the communications

network 720, for example connectable via a telephone line 721 or other functional medium").

23. The motivation to combine would be that "the modem 716 can be used to obtain access to the Internet, and other network systems, such as a Local Area Network (LAN) or a Wide Area Network (WAN)" (*Kisliakov* – column 11, lines 53-56).

24. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of *Kisliakov* with the teachings of *Bender* in order to provide a means for permitting communication of the data (*Kisliakov* – column 12, lines 17-21, "may be read by the user from the network 720 via the modem device 716").

Conclusion

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

26. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

28. The following United States Patents and Patent Application Publication are cited to further show the state of the art with respect to secure access to data, such as:

United States Patent No. 6,989,732 to Fisher, which is cited to show an electronic lock system and method for its use with card only mode.

United States Patent No. 5,396,617 to Villwock et al., which is cited to show a module for extending functions of an electronic data processing machine.

United States Patent Application Publication No. US2002/0188855 to Nakayama et al., which is cited to show a fingerprint authentication unit and authentication system.

United States Patent No. 7,512,807 to Hillhouse, which is cited to show a method and apparatus for biometric verification with data packet transmission prioritization.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMIAH AVERY whose telephone number is (571)272-8627. The examiner can normally be reached on Monday thru Friday 8:30am-5pm.

30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

31. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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